

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.09/960,258
Confirmation No.4336
Filing Date 9/21/2001
Inventorship Bahl et al.
Appellant..... Microsoft Corporation
Group Art Unit2152
Examiner Refai, R.
Attorney's Docket No. MS1-937US
Title: Systems And Methods For Managing Network Connectivity For Mobile
Users

AMENDED APPEAL BRIEF

To: Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

From: Robert G. Hartman (Tel. 509-324-9256 ext. 265; Fax 509-323-8979)
Customer No. 22801

Pursuant to 37 C.F.R. §41.37, Appellant submitted an appeal brief for application 09/960,258, filed September 21st, 2001, with a one-month extension of time on September 20th, 2006. Appellant thereafter filed an amended appeal brief on December 18, 2006, in response to a Notice of Non-Compliant Appeal Brief Mailed November 21, 2006. Appellant then received a second Notice of Non-Compliant Appeal Brief mailed February 9, 2007. Appellant hereby submits this amended appeal brief that argues each ground of rejection separately in the arguments section of the brief. Accordingly, Appellant appeals to the Board of Patent Appeals and Interferences seeking review of the Examiner's rejections.

<u>Appeal Brief Items</u>	<u>Page</u>
(1) Real Party in Interest	3
(2) Related Appeals and Interferences	3
(3) Status of Claims	3
(4) Status of Amendments	4
(5) Summary of Claimed Subject Matter	4
(6) Grounds of Rejection to be Reviewed on Appeal	7
(7) Argument	7
(8) Appendix of Appealed Claims	25
(9) Evidence appendix	32
(10) Related proceedings appendix	33

(1) Real Party in Interest

The real party in interest is Microsoft Corporation, the assignee of all right, title and interest in and to the subject invention.

(2) Related Appeals and Interferences

Appellant is not aware of any other appeals, interferences, or judicial proceedings that will directly affect, be directly affected by, or otherwise have a bearing on the Board's decision to this pending appeal.

(3) Status of Claims

Claims 1-7, 19-26, and 38-40 stand rejected and are pending in this Application. The rejections of Claims 1-7, 19-26, and 38-40 are appealed. Claims 1-7, 19-26, and 38-40 are original and hence bear the designator "(Original)". Claims 8-18, 27-37, and 41-44 were previously canceled without prejudice. Claims 45-49 stand withdrawn from consideration under 37 CFR 1.142(b) and MPEP §821.03, thereby permitting the Examiner to issue this first-action Final following an RCE in which these claims were added.

The claims pending in the Final Office Action at issue, including Appealed Claims 1-7, 19-26, and 38-40, are set forth in the Appendix of Appealed Claims on page 25.

(4) Status of Amendments

The Final Office Action, which is the subject of this Appeal, was mailed March 21st, 2006 (herein the "Final Office Action"). Appellant filed a Notice of Appeal dated June 20th, 2006. Some of the arguments given in support of the rejections in the Final Office Action were made in an immediately prior Final Office Action, mailed January 31st, 2006 (herein the "Prior Final Office Action").

No amendments were made to the claims subsequent to the final rejection.

(5) Summary of Claimed Subject Matter

A concise explanation of each of the independent claims is included in this Summary section, including specific reference characters and, in some cases, portions of the specification. These specific reference characters are examples of particular elements of the drawings for certain claimed embodiments. It is to be appreciated and understood that the claims are not to be limited to solely the elements corresponding to these reference characters or cited portions of the specification and that this section is provided to comply with the requirement of 37 CFR § 41.37(c)(1)(v).

Claim 1 recites a method for broadcasting an announcement signal (302 of Fig. 3, 500 of Fig. 5), comprising: broadcasting a network identifier signal (304 of Fig. 3 that should be marked 306; see page 16, line 23 to page 17, line 2) that uniquely identifies a computer network (104 of Fig. 1); broadcasting an authorizer signal that identifies an authorizer network address (306 of Fig. 3 that should be

marked 308; see page 16, line 23 to page 17, line 3) on the computer network (104 of Fig. 1), the authorizer network address (*id.*) being associated with an authorizer (312 of Fig. 3, 116 of Fig. 1) that is configured to authorize mobile clients (314 of Fig. 3, 120-128 and 134-142 of Fig. 1) to utilize the computer network (104 of Fig. 1); and broadcasting a verifier signal that identifies a verifier network address (308 of Fig. 3 that should be marked 310; page 16, line 23 to page 17, line 5; see also 708 to 712 of Fig. 7) on the computer network (104 of Fig. 1), the verifier network address (*id.*) being associated with a verifier (110 of Fig. 1, 400 of Fig. 4) that is configured to verify data packets sent by mobile clients (120-128 and 134-142 of Fig. 1, 304 of Fig. 3) utilizing the computer network (104 of Fig. 1).

Claim 19 recites one or more computer-readable media containing computer-executable instructions that, when executed on a computer, perform the following steps: transmitting a network identifier signal (304 of Fig. 3 that should be marked 306; see page 16, line 23 to page 17, line 2) that identifies an associated network (104 of Fig. 1); transmitting an authorizer signal (306 of Fig. 3 that should be marked 308; see page 16, line 23 to page 17, line 3) that identifies an authorizer (312 of Fig. 3) on the network (104 of Fig. 1), the authorizer (*id.*) being configured to authorize client access to the network (*id.*); and transmitting a verifier signal (308 of Fig. 3 that should be marked 310; page 16, line 23 to page 17, line 5; see also 708 to 712 of Fig. 7) that identifies a verifier (110 of Fig. 1, 400 of Fig. 4), the verifier (*id.*) being configured to verify that data packets (600 of

Fig. 6) transmitted to the network (*id.*) are transmitted from clients that have been authorized to access the network (*id.*).

Claim 38 recites a system comprising: a network identifier (304 of Fig. 3 that should be marked 306; see page 16, line 23 to page 17, line 2); an authorizer identifier (306 of Fig. 3 that should be marked 308; see page 16, line 23 to page 17, line 3); a verifier identifier (308 of Fig. 3 that should be marked 310; page 16, line 23 to page 17, line 5; see also 708 to 712 of Fig. 7); a signal generator (304 of Fig. 3; see page 16, lines 23-24) configured to generate a signal that communicates the network identifier (*id.*), the authorizer identifier (*id.*) and the verifier identifier (*id.*).

Claim 45 recites a method implemented at least in part by a computer, comprising: broadcasting an announcer signal (302 of Fig. 3; see page 16, lines 23-25) identifying a network (104 of Fig. 1) and a network address (306 of Fig. 3 that should be marked 308; see page 16, line 23 to page 17, line 3) of an authorizer (312 of Fig. 3; see page 17, lines 2-3) in the network (104 of Fig. 1); receiving at the network address (*id.*) of the authorizer (*id.*) and from a mobile client (314 of Fig. 3, 120-128 and 134-142 of Fig. 1, and see page 17, lines 13-25) that received the announcement signal (*id.*) and is not yet authorized to access the network (*id.*), a request to obtain authorization to access the network (see page 17, lines 20-25); transmitting, responsive to receiving the request, an authorization key (318 of Fig. 3; see page 18, lines 1-3) indicating that the mobile client (*id.*) is authorized to access the network (*id.*) and enabling the mobile client (*id.*) to create a tag (404 of

Fig. 4; see page 19, lines 3-12) using the authorization key (*id.*); receiving, responsive to the transmitting and from the mobile client (*id.*, and see Fig. 4 generally and page 19, lines 7-12), data packets (600 of Fig. 6, 406 of Fig. 4) having the tag (604 of Fig. 6, 404 of Fig. 4; see page 19, lines 7-12); verifying that the tag (*id.*) is valid based on the authorization key (*id.*; see page 19, lines 7-12); and forwarding the data packets (*id.*) having the tag (*id.*) to the network (*id.*; see page 19, lines 7-12).

(6) Grounds of Rejection to be Reviewed on Appeal

Claims 1-5, 19-23, and 38-40 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Pat. No. 6,487,406 to Chang et al. (“Chang et al”).

Claims 6-7 and 24-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chang et al in view of U.S. Pat. No. 6,073,016 to Hulthen et al. (“Hulthen”).

(7) Argument

Rejections under 35 U.S.C. §102(e)

Appellant submits that the Examiner failed to establish that Chang et al discloses, without modification, each and every element of Claims 1-5, 19-23, and 38-40. Before discussing the substance of the Examiner’s rejections, however, a section entitled “The §102 Standard” is provided and will be used in addressing the Examiner’s rejections. Next, a section entitled “Argument Overview” is

provided to give the reader context for specific arguments that follow. Appellant then addresses the Examiner's grounds for rejecting the pending claims, after which Appellant responds to the Examiner's Reply to Appellant's prior arguments included in the Final Office Action.

The §102 Standard

Anticipation is a legal term of art. Appellant notes that in order to provide a valid finding of anticipation, several conditions must be met: (i) the reference must include each and every element as set forth in the claim (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); *and see* MPEP §2131); and (ii) the teachings of the reference cannot be modified (*see* MPEP §706.02, stating that "No question of obviousness is present" in conjunction with anticipation).

Argument Overview

Generally, Chang et al teaches a registration process that registers a mobile station with a network. To register the mobile station, Chang et al's registration process alters the IP address at which the mobile station receives packets. Chang et al registers a new, temporary IP address for a mobile station so that the mobile station *receives* packets at the new, temporary IP address.

In contrast, appealed independent Claims 1, 19, and 38 are concerned with an authorization process or entity that authorizes mobile clients to utilize a

computer network. Appellant's authorization process is significantly different from the registration process of Chang et al. First, this authorization process authorizes – that is, it grants a mobile client a right to access a computer network. Contrast this with Chang et al's registration process, which registers a temporary IP address for a mobile station so that the mobile station may receive packets indirectly through this temporary IP address. Second, this authorization process enables the *mobile client* to know at which address to send packets *to a network*. Contrast this with Chang et al's registration process, which enables a *network* to know at which address to send packets *to a mobile station*.

Appellant respectfully submits that the claims, when read in light of the specification, define subject matter not disclosed by Chang et al.

Claims 1-5

Claim 1

Appellant respectfully submits that the Examiner failed to establish a *prima facie* case of anticipation for rejecting Claim 1 in the Final Office Action. The Examiner failed to establish that Chang et al discloses—without modification—each and every element of Claim 1.

For the reader's convenience, the subject matter of Claim 1 is provided below, after which Appellant submits its arguments for Claim 1.

Claim 1 recites a method for broadcasting an announcement signal, comprising:

- broadcasting a network identifier signal that uniquely identifies a computer network;
- broadcasting an authorizer signal that identifies an authorizer network address on the computer network, the authorizer network address being associated with an authorizer that is configured to authorize mobile clients to utilize the computer network; and
- broadcasting a verifier signal that identifies a verifier network address on the computer network, the verifier network address being associated with a verifier that is configured to verify data packets sent by mobile clients utilizing the computer network.

For the reader's convenience, the Examiner's argument that Chang et al discloses the elements of Claim 1 is:

As per claim 1, Chang et al teach a method for broadcasting an announcement signal, comprising:

broadcasting a network identifier signal that uniquely identifies a computer network (**column 5, lines 40-60 and column 7, lines 7-17**);

broadcasting an authorizer signal that identifies an authorizer network address on the computer network, the authorizer network address being associated with an authorizer that is configured to authorize mobile clients to utilize the computer network (**column 5, lines 40-60 and column 7, lines 7-17**); and

broadcasting a verifier signal that identifies a verifier network address on the computer network, the verifier network address being associated with a verifier that is configured to verify data packets sent by mobile clients utilizing the computer network (**column 7, lines 7-17 and lines 28-30**).

Final Office Action, paragraph 4.

The portions of Chang et al relied on by the Office to reject Claim 1 are:

In operation, system information broadcast by the PCS network and received by each MS 18 includes a PCS registration area identification and a BS identification. Therefore, according to one aspect of the invention, when an MS 18 moves from one BS 16 to another, the MS 18 uses the data in the system information broadcast to determine if it has crossed a PCS registration area or not, and whether a PCS registration procedure must be performed. It can be appreciated that frequent transmission of Mobile IP registration parameters, such as a subnet mask, Agent Advertisement, etc., may consume a large quantity of system information bandwidth. According to a further aspect of the invention, Mobile IP registration parameters are instead conveyed to an MS 18 when a BSC 14 determines that an MS 18 has moved between different subnets. Thus, the information is transmitted to the MS only when it is specifically needed. Various MS registration scenarios will now be discussed with further reference to the example network configuration illustrated in FIG. 3 and the flow diagrams of FIGS. 4 and 5.

Chang et al, column 5, lines 40-60.

Upon receiving the Agent Advertisement, the MS sends a datagram (a Mobile IP Registration Request message) to the BSC directed to the MS's HA. The datagram is a conventional LAN registration message and includes the information provided to the MS in the BSC's agent advertisement, (e.g., the IP addresses of the MS, FA, HA, COA, and the lifetime). Upon receiving the datagram, the BSC does not interpret the message, but instead forwards it to the present subnet's FA. The FA determines the MS's HA and forwards the Mobile IP Registration Request message to the HA via one or more GRs and possibly the Internet.

Upon receiving the registration datagram, the HA authenticates the MS. If the MS has just moved out of its home subnet and into a foreign subnet, the HA sends a Gratuitous ARP to all other nodes in the HA's subnet instructing them to associate the HA's hardware address with the MS's IP address so that datagrams destined for the MS may be intercepted by the HA and forwarded appropriately.

Chang et al, column 7, lines 7-17 and 28-34 (lines 31-34 for context).

Chang et al Registers Mobile Stations, It Does Not Authorize Them

In this section Appellant contrasts Claim 1's authorizer, which grants a mobile client a right to access a computer network, with Chang et al's registration process, which registers a temporary IP address for a mobile station so that the mobile station may receive packets indirectly through this temporary IP address.

First, the portions relied on by the Examiner to anticipate Claim 1's "authorizer" are concerned with registering, not authorizing. Appellant respectfully digresses a moment to set out The American Heritage Dictionary's definition of "authorize" and "register", both in their transitive verb forms, emphasis original.

Authorize:

1. To grant authority or power to.
2. To give permission for; sanction: *the city agency that authorizes construction projects.*
3. To be sufficient grounds for; justify.

Register:

1. To enter in an official register.
2. To enroll officially or formally, especially in order to vote or attend classes.
3. To set down in writing; record: *"It is for the historian to discover and register what actually happened" (Robert Conquest).*
4. To indicate on or as if on an instrument or a scale.
5. To give outward signs of; express: *Her face registered surprise.*
6. To attain or achieve: *registered a new high in sales.*
7. To cause (mail) to be officially recorded and specially handled by payment of a fee.
8. To adjust so as to be properly aligned.

Relying on the first definition for each, at its most basic Claim 1 would recite subject matter that “grants authority or power to”, while Chang et al discloses “to enter in an official register”. At this broad and basic view, the Examiner’s argument failed to show how Chang et al’s registration discloses the claimed authorizer of Claim 1.

If instead Claim 1 is read in light of the specification (as required by *Phillips v. AWH Corp.*, 415 F.3d 1301 (Fed. Cir. 2005) (en banc)) and without an external source, the Examiner still failed to show that Chang et al discloses the authorizer of Claim 1. Appellant provides the following portions of the specification for the reader’s convenience.

An announcer beacon broadcasts an announcer signal that includes a network identifier, an authorizer identifier and a verifier identifier. The mobile client detects the announcer signal and obtains the information contained therein. The mobile client contacts the authorizer at the address received from the signal to obtain authorization to access the network. If the client is authorized, the authorizer transmits an authorization key to the client. On subsequent data packet transmissions to the verifier, the client attaches a tag created with the authorization key to each data packet. The verifier accepts data packets having a valid tag but denies data packets that do not have a valid tag.

Specification, page 8, lines 8-16.

In one implementation, a public network architecture is provided, by one or more host organizations, for providing individuals with wireless access to the Internet. The public network architecture includes a global authentication server and at least one authorizer. The networks are advantageously deployed in public areas such as airports, shopping malls, libraries, etc. The host organization may partition this network either physically, or logically, into several smaller networks called subnets. Each subnet includes at least one verification server (“verifier”).

The announcer broadcasts an announcer signal that identifies the network, as well as the network addresses of the authorizer and the verifier. A daemon process on a mobile client is configured to monitor for the announcer signal. When detected, the mobile client contacts the authorizer by way of an Access Point to obtain authorization to access the network.

Upon authorization by the authorizer, the mobile client receives an authorization key that indicates that the mobile user has been authorized to access the network.

Specification page 3, line 21 to page 4, line 11.

When read in light of the specification, the term “authorize” and its associated forms (e.g., authorization) are used to show a grant of authority or power to a mobile client to utilize a computer network.

Chang et al, however, teaches *registering* a mobile station when out of its home subnet. This act of registering, and in fact the PCS registration process in general, registers a temporary IP address for a mobile station so that the mobile station may receive packets indirectly through this temporary IP address. Thus, Chang et al discloses registering a temporary IP address while the claimed authorizer grants authority or power to a mobile client.

The Examiner did not establish how these disparate terms—authorize and register—are synonymous. Nor did the Examiner establish how the disparate concepts envisioned by these terms are equivalent without modifying either term. Without such a showing, the Examiner failed to establish a *prima facie* case of anticipation in rejecting Claim 1.

Chang et al Enables a Network—Not a Mobile Client—to Know Where to Send
Packets

In this section Appellant contrasts Claim 1's authorizer signal, which acts to enable a *mobile client* to know at which address to send packets *to a network*, with Chang et al's registration process, which enables a *network* to know at which address to send packets *to a mobile station*.

Claim 1 recites broadcasting an authorizer signal that identifies an authorizer network address on the computer network, the authorizer network address being associated with an authorizer that is configured to authorize mobile clients to utilize the computer network. Claim 1, then, enables a mobile client to know at which address to send packets in a network.

In contrast, Chang et al's registration process is effective to *forward packets from the mobile station's old, permanent IP address to a new, temporary IP address*. Chang et al's network registers the mobile station by assigning the mobile station a new, temporary IP address. With this new, temporary IP address, Chang et al's network is able to forward packets to the mobile station.

For example, Chang et al discloses providing seamless mobile IP connectivity between mobile stations (MS) connected to a PCS network via base stations (BS) connected to base station switching centers (BSCs). Each MS is assigned a permanent IP address and associated with a home subnet. When the system detects that the MS is connected to a BSC outside of its home subnet, the MS is assigned a care-of address (COA) to which IP data can be forwarded. IP

data from the MS is routed through a gateway router (GR). IP data directed to the MS is directed to the MS's permanent IP address. If the MS is connected to a BSC outside of its home subnet, the data traffic is forwarded to the MS's care-of address. Chang et al teaches performing these actions so that Chang et al's PCS network may forward data packets to a mobile station. *See Chang et al at Abstract.*

The Examiner argued in the Prior Final Office Action in support for the current rejections: "When a MS moves from one sub network to another, the MS uses the system information broadcast to determine if it has a PCS registration area or not and whether a PCS registration procedure must be performed." *See Prior Office Action, page 6-7.* Chang et al's Base Station (BS) identification is part of the system information. *Id. and see Chang et al.* Chang et al's PCS registration is concerned with providing a new IP address for a mobile station. *See Chang at Abstract.* This Base Station identification, then, is used by Chang et al as part of a process for providing a new IP address for a mobile station. The Examiner relied on this Base Station identification to anticipate the claimed authorizer signal. But these are simply not the same. One is concerned with a mobile station's IP address and the other is related to an authorizer agent. One requires that a mobile station's address change. The other does not.

In sum, the Examiner failed to establish how Claim 1's authorizer signal, which acts to enable a *mobile client* to know at which address to send packets *to a network*, is disclosed by Chang et al's Base Station identification used in a

registration process, which enables a *network* to know at which address to send packets *to a mobile station*. Without such a showing, the Examiner failed to establish a *prima facie* case of anticipation in rejecting Claim 1.

Claims 2-5

Claims 2-5 depend from Claim 1 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features that, in combination with those recited in Claim 1, have not been shown to be anticipated in the Final Office Action.

Claims 19-23

Claim 19

Appellant respectfully submits that the Examiner failed to establish a *prima facie* case of anticipation for rejecting Claim 19 in the Final Office Action. The Examiner failed to establish that Chang et al discloses—without modification—each and every element of Claim 19.

For the reader's convenience, Appellant sets forth the language of independent Claim 19.

Claim 19 recites one or more computer-readable media containing computer-executable instructions that, when executed on a computer, perform the following steps:

- transmitting a network identifier signal that identifies an associated network;
- transmitting an authorizer signal that identifies an authorizer on the network, the authorizer being configured to authorize client access to the network; and
- transmitting a verifier signal that identifies a verifier, the verifier being configured to verify that data packets transmitted to the network are transmitted from clients that have been authorized to access the network.

For the reader's convenience, the Examiner's argument that Chang et al discloses the elements of Claim 19 is:

As per claims 19-23, these claims contain similar limitations as claims 1-5 above, therefore are rejected under the same rationale.

Final Office Action, paragraph 9.

The portions of Chang et al relied on by the Examiner to reject Claim 1 are set forth for Claim 1 above. For at least the reasons set forth in the argument relating to Claim 1 above, the Examiner has not shown that each and every element of Claim 19 is anticipated by Chang et al without modification. Further, the Examiner provided no additional evidence to reject Claim 19; therefore, the Examiner failed to establish a *prima facie* case of anticipation in rejecting Claim 19.

Claims 20-23

Claims 20-23 depend from Claim 19 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features that, in combination with those recited in Claim 19, have not been shown to be anticipated in the Final Office Action.

Claims 38-40

Claim 38

Appellant respectfully submits that the Examiner failed to establish a *prima facie* case of anticipation for rejecting Claim 38 in the Final Office Action. The Examiner failed to establish that Chang et al discloses—without modification—each and every element of Claim 38.

For the reader's convenience, Appellant sets forth the language of independent Claim 38.

Claim 38 recites a system, comprising:

- a network identifier;
- an authorizer identifier;
- a verifier identifier;
- a signal generator configured to generate a signal that communicates the network identifier, the authorizer identifier and the verifier identifier.

Also provided for the reader's convenience, the Examiner's argument that Chang et al discloses the elements of Claim 38 is:

As per claim 38, Chang et al teach a system, comprising:

a network identifier; an authorizer identifier; a verifier identifier (**column 7, lines 10-15 and column 5, lines 40-60**);

a signal generator configured to generate a signal that communicates the network identifier, the authorizer identifier and the verifier identifier (**column 5, lines 40-55 and column 8, lines 40-55**).

Final Office Action, paragraph 10.

As set forth in the argument for Claim 1 above, Chang et al does not disclose an identification for an authorizer. For at least this reason, the Office has not shown that each and every element of Claim 38 is anticipated by Chang et al.

Claims 39-40

Claims 39-40 depend from Claim 38 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features that, in combination with those recited in Claim 38, are neither disclosed nor suggested in references of record, either singly or in combination with one another.

Examiner's Reply to Appellant's Prior Arguments

The Examiner provided arguments, at paragraph 20 in the Final Office Action, in response to Appellant's prior arguments. Appellant responds to both statements, repeated below for the reader's convenience.

In the remarks, the Applicant argues in substance that Chang et al's base station has not been shown by the Office to be equivalent to the claimed authorizer since Chang et al's base station is concerned with providing a mobile station with a new, temporary IP address and *the claimed authorizer is not*, therefore the Office has failed to establish that Chang et al discloses every element of the claimed invention.

In response, the Examiner respectfully disagrees. The Applicant's argument that Chang et al teach additional features not claimed by the Applicant does not distinguish or prove that the present invention is patentable over Chang et al. Since Chang et al's base station teaches the features of an authorizer, as claimed, in the present invention, the base station therefore meets the scope of the claimed invention. Therefore the previous rejections are maintained.

Final Office Action, paragraph 20, first and second bullets, emphasis original.

It appears that the Examiner focused on Appellant's Summary of Argument section in the last response outside of the context of many detailed arguments any one of which shows that the Examiner failed to establish a *prima facie* case of anticipation. Taken out of this context, Appellant sees how the Examiner could misunderstand Appellant. If indeed the Appellant was making just the argument as it is characterized by the Examiner, Appellant would agree. Appellant is well aware that arguing subject matter not claimed is superfluous.

Appellant was arguing, however, that the Examiner failed to show that Chang et al discloses the subject matter claimed. Appellant contrasted the claimed subject matter when understood in light of the specification with that of the reference. As is well understood by the Office, the claim language must be read in light of the specification. Once so understood, the Office must show that the

reference includes each and every element as set forth in the claim without any modification. *See Verdegaal Bros.*, MPEP §2131, and MPEP §706.02, *all supra*. As the Examiner failed to do so, Appellant respectfully requests that the Board withdraw the rejections.

Rejections under 35 U.S.C. §103(a)

Appellant submits that the Examiner failed to establish that Chang et al. and Hulthen et al. teach or suggest Claims 6-7 and 24-25, and hence that the Examiner failed to present a *prima facie* case of obviousness in rejecting these claims.

Claims 6-7

Claims 6-7 depend from Claim 1 and are allowable as depending from an allowable base claim. Applicant further submits that the Examiner's argument for rejecting Claims 6-7 under §103(a) does not correct the Examiner's deficiencies in its rejection of Claim 1, on which Claims 6-7 depend. For at least this reason, Claims 6-7 are allowable as depending from an allowable base claim. Claims 6-7 are also allowable for their own recited features that, in combination with those recited in Claim 1, are neither taught nor suggested in references of record, either singly or in combination with one another.

Claims 24-26

Claims 24-26 depend from Claim 19 and are allowable as depending from an allowable base claim. Applicant further submits that the Examiner's argument for rejecting Claims 24-25 under §103(a) does not correct the Examiner's deficiencies in its rejection of Claim 19, on which Claims 24-25 depend. For at least this reason, Claims 24-25 are allowable as depending from an allowable base claim. Claims 24-25 are also allowable for their own recited features that, in combination with those recited in Claim 19, are neither taught nor suggested in references of record, either singly or in combination with one another. Finally, Applicant notes that the Office also failed to actually reject claim 26 on the record. This claim is allowable for this reason, for depending from an allowable base claim, and for its own recited features that, in combination with those recited in Claim 19, are neither taught nor suggested in references of record, either singly or in combination with one another.

Conclusion

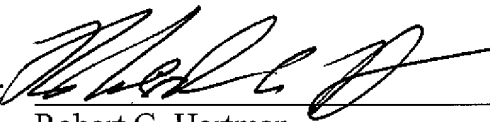
Appellant respectfully submits that all of the Examiner's rejections have been traversed. As such, Appellant respectfully submits that all of the claims are in condition for allowance.

Respectfully Submitted,

Dated:

2007/02/15

By:



Robert G. Hartman
Lee & Hayes, PLLC
Reg. No. 58,970
(509) 324-9256 ext. 265

(8) Appendix of Appealed Claims

1. (Original) A method for broadcasting an announcement signal, comprising:

broadcasting a network identifier signal that uniquely identifies a computer network;

broadcasting an authorizer signal that identifies an authorizer network address on the computer network, the authorizer network address being associated with an authorizer that is configured to authorize mobile clients to utilize the computer network; and

broadcasting a verifier signal that identifies a verifier network address on the computer network, the verifier network address being associated with a verifier that is configured to verify data packets sent by mobile clients utilizing the computer network.

2. (Original) The method as recited in claim 1, wherein each signal is broadcast periodically.

3. (Original) The method as recited in claim 1, wherein the network identifier signal, the authorizer signal and the verifier signal are broadcast together in an announcer signal.

4. (Original) The method as recited in claim 1, wherein the authorizer network address and the verifier network address are Internet Protocol (IP) addresses.

5. (Original) The method as recited in claim 1, wherein the verifier is preferred verifier, and the method further comprises substituting a network address of an alternate verifier for the network address of the preferred verifier.

6. (Original) The method as recited in claim 5, further comprising determining if the preferred verifier has reached a load threshold, and wherein the substituting is performed if the load threshold is reached.

7. (Original) The method as recited in claim 5, further comprising detecting a preferred verifier failure, and wherein the substituting is performed if the preferred verifier fails.

8. (Canceled).

9. (Canceled).

10. (Canceled).

11. (Canceled).

12. (Canceled).

13. (Canceled).

14. (Canceled).

15. (Canceled).

16. (Canceled).

17. (Canceled).

18. (Canceled).

19. (Original) One or more computer-readable media containing computer-executable instructions that, when executed on a computer, perform the following steps:

transmitting a network identifier signal that identifies an associated network;

transmitting an authorizer signal that identifies an authorizer on the network, the authorizer being configured to authorize client access to the network; and

transmitting a verifier signal that identifies a verifier, the verifier being configured to verify that data packets transmitted to the network are transmitted from clients that have been authorized to access the network.

20. (Original) The one or more computer-readable media as recited in claim 19, wherein the network identifier signal, the authorizer signal and the verifier signal are transmitted together as an announcer signal.

21. (Original) The one or more computer-readable media as recited in claim 19, wherein the verifier signal further comprises a network address for the verifier.

22. (Original) The one or more computer-readable media as recited in claim 19, wherein the authorizer signal further comprises a network address for the authorizer.

23. (Original) The one or more computer-readable media as recited in claim 19, wherein the verifier is a preferred verifier, and wherein the computer-executable instructions further include computer-executable instructions that, when executed on a computer, perform the additional step of changing the verifier signal to identify an alternate verifier.

24. (Original) The one or more computer-readable media as recited in claim 23, wherein the verifier signal is changed to identify the alternate verifier if the preferred verifier fails.

25. (Original) The one or more computer-readable media as recited in claim 23, wherein the verifier signal is changed to identify the alternate verifier when a load threshold is reached by the preferred verifier, the load threshold being the highest rate of use that is acceptable for the preferred verifier.

26. (Original) The one or more computer-readable media as recited in claim 19, wherein the network identifier signal, the authorizer signal and the verifier signal are transmitted periodically.

27. (Canceled).

28. (Canceled).

29. (Canceled).

30. (Canceled).

31. (Canceled).

32. (Canceled).

33. (Canceled).

34. (Canceled).

35. (Canceled).

36. (Canceled).

37. (Canceled).

38. (Original) A system, comprising:

a network identifier;

an authorizer identifier;

a verifier identifier;

a signal generator configured to generate a signal that communicates the network identifier, the authorizer identifier and the verifier identifier.

39. (Original) The system as recited in claim 38, further comprising memory that stores the network identifier, the authorizer identifier and the verifier identifier.

40. (Original) The system as recited in claim 38, further comprising a receiver configured to accept the network identifier, the authorizer identifier and the verifier identifier as input data.

41. (Canceled).

42. (Canceled).

43. (Canceled).

44. (Canceled).

45. (Withdrawn) A method implemented at least in part by a computer, comprising:

broadcasting an announcer signal identifying a network and a network address of an authorizer in the network;

receiving at the network address of the authorizer and from a mobile client that received the announcement signal and is not yet authorized to access the network, a request to obtain authorization to access the network;

transmitting, responsive to receiving the request, an authorization key indicating that the mobile client is authorized to access the network and enabling the mobile client to create a tag using the authorization key;

receiving, responsive to the transmitting and from the mobile client, data packets having the tag;

verifying that the tag is valid based on the authorization key; and

forwarding the data packets having the tag to the network.

46. (Withdrawn) The method of claim 45, wherein the announcer signal further comprises a network address of a verifier in the network and the acts of receiving data packets, verifying, and forwarding are performed by the verifier.

47. (Withdrawn) The method of claim 45, wherein the network comprises subnets, a first subnet accessible through the first network address of the first authorizer and a second subnet accessible through a second network address of a second authorizer.

48. (Withdrawn) The method of claim 47, further comprising receiving, at the second network address of the second authorizer and from the mobile client, data packets having the tag, and forwarding the data packets having the tag to the network without having to transmit the authorization key to the mobile client.

49. (Withdrawn) A method implemented at least in part by a computer, comprising:

broadcasting a first announcer signal identifying a first subnet of a network and a first network address of a first authorizer in the first subnet of the network;

broadcasting a second announcer signal identifying a second subnet of the network and a second network address of a second authorizer in the second subnet of the network;

receiving at the first network address of the first authorizer and from a mobile client that received the first announcement signal, a request to obtain authorization to access the network;

authorizing the mobile client access to the first subnet of the network;

receiving at the second network address of the second authorizer and from the mobile client responsive to the mobile client receiving the second announcement signal, a request to obtain authorization to access the network; and

authorizing the mobile client access to the second subnet of the network.

(9) Appendix of Evidence

None.

(10) Appendix of Related Proceedings

None.